

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JEFF T. COOK,

Plaintiff

v.

Civil Action No.: 2:07-0763

HUTTONSVILLE CORRECTIONAL CENTER and
HENRY R. ROBINSON, JR.,
Deputy Chief of Operations,
SOUTHWESTERN REGIONAL JAIL and
BECKY DAVIS and
PRIME CARE MEDICAL and
TOM SCOTT, Administrator,

Defendants

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) .

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on September 17, 2008. The magistrate judge recommends dismissal of plaintiff's complaint for failure to state a claim. The magistrate judge further recommends that plaintiff's Application to Proceed Without Prepayment of Fees be denied. The plaintiff has not

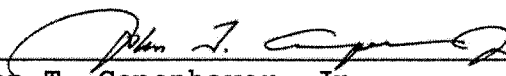
objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;
2. Plaintiff's Application to Proceed Without Prepayment of Fees be, and it hereby is, denied; and
3. This action be, and it hereby is, dismissed with prejudice.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: November 5, 2008



John T. Copenhaver, Jr.
United States District Judge